

B R A K I  
LTS - HP  
16 Feb 48

ADMINISTRATIVE INSTRUCTION  
NO. \_\_\_\_\_

DATE \_\_\_\_\_

SUBJECT: Loyalty Board

1. a. Under authority contained in Executive Order No. 9835, dated 21 March 1947, a Loyalty Board is established for this Agency, composed of members listed below, to review all cases arising within the Agency involving possible disloyalty to the United States Government on the part of Agency personnel, and make recommendation relative to the separation of such personnel from government service:

Executive Director	- Chairman
Any two of the following, to be named by the Chairman for each case	- Members
Assistant Directors	
Deputy Assistant Directors	
General Counsel	- Law member without vote
Executive for I & S	- Advisor without vote
Assistant to the Executive	
Director	- Recorder without vote
Assistant to the Chief	
Advisory Counsel	- Alternate recorder without vote

b. No Assistant Director or Deputy Assistant Director shall be named as a member of a board convened to consider the case of an individual assigned to his office.

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2. a. Cases in which a doubt of loyalty to the United States Government arises will be referred to the Board for action as indicated below.

b. Cases submitted to the Board must be accompanied by a definite charge or allegation against the loyalty of the employee, together with available supporting information.

c. Charges or allegations may be made by any Assistant Director, Staff Chief, the Executive for I&S, or the Board itself. Charges or allegations referred to the Board by an Assistant Director or Staff Chief will be subject to further investigation by the Executive for I&S at the direction of the Board.

d. Cases involving a definite doubt of loyalty, in which a definite charge or allegation cannot be adequately substantiated by an Assistant Director or Staff Chief, will be referred to the Executive for I&S with all information pertaining thereto, for further detailed investigation and recommendations to the Board.

e. The Chairman of the Board may, at his discretion, require specific cases to be referred directly to the Board for direct investigation and action.

3. a. Unless specific charges or allegations are made directly to the Board by an Assistant Director, a Staff Chief, or by the Board itself; the Executive for Inspection and Security will cause a complete and thorough investigation to be made in each case and make a preliminary determination as to whether there is sufficient evidence to warrant reference of the case to the Board.

b. (1) If there appears to be sufficient evidence to support a finding of disloyalty to the United States Government, the Executive for Inspection and Security will refer the case to the Chair-

man of the Board with a specific charge or allegation, together with all supporting evidence.

(2) The Chairman will then convene the Board for a preliminary review to determine whether the case should be accepted for Board action. If the Board determines that there is not sufficient evidence to warrant a recommendation for separation from Government service on the grounds of disloyalty to the United States Government, it will return the case to the Executive for Inspection and Security for either additional evidence or other disposition.

(3) If the Board accepts the case for formal review and recommendation, further action will be taken as indicated below:

4. A. The Board will instruct the Chief, Personnel Branch, A&M, to inform the individual concerned that:

(1) Evidence has been presented to the Loyalty Board sufficient to warrant a reasonable doubt of his loyalty to the United States Government, and state the specific charge.

(2) Written interrogatories (prepared by the Board) are enclosed containing information on which such doubt is based.

(3) Completed interrogatories must be returned to the Chief, Personnel Branch, within ten (10) days after their receipt (20 days for individuals not stationed in Washington, D.C., but in the continental limits of the United States; and 30 days for those stationed abroad).

(4) He is authorized to appear before the Board at his own expense, accompanied by counsel or other representative of his own choosing if desired, and to present sworn testimony on his own behalf in person, through witnesses and/or by affidavit.

(5) He will be notified of the date the Board will meet to consider his case, sufficiently in advance to enable him to be present and present his case personally if desired.

(6) Security restrictions relative to any discussions on his part with counsel or other individuals not regularly employed by CIA are attached (to be prepared by Executive for IAS).

(7) (If specified by the Board), he may resign prior to further Board action if desired.

(8) (If specified by the Board), he is suspended from further duty with CIA pending final determination of his case.

(9) Inquiries relative to notices should be made to the Chief, Personnel Relations Division, Personnel Branch.

b. In each case the Chief, Personnel Branch, will inform the Assistant Director or Staff Chief to whose activity the individual concerned is assigned, of action taken, prior to dispatch of notification.

g. Notifications to individuals, except those abroad, will be sent by registered mail to home addressees with return receipt requested. Notifications to individuals abroad will be dispatched by appropriate means.

5. The Board need not follow strictly rules of evidence applicable to courts of law and need not divulge confidential sources of information, but the Law Member shall be responsible for advising the Board of any action of the Board which might infringe an employee's constitutional rights. The Law Member may report to the Director any action of the Board which, in his opinion, is an infringement of such rights. All testimony of witnesses at hearings of the Board shall be under oath or affirmation. The standard for removal of an employee shall be that on all evidence, reasonable grounds exist for belief

adequate.

that the person involved is disloyal to the Government of the United States.

6. a. The Board, in those cases accepted, shall hear and consider all available evidence and make recommendations to the Director. The Director may, at his own discretion, request an advisory recommendation of the Civil Service Commission's Loyalty Review Board.

b. When recommendation for separation is made, the individual concerned shall be so informed and advised of his right to appeal to the Director within ten (10) days. Where no appeal is made, the action of the Director shall be final. The Director may, if circumstances appear to warrant and decision to separate has been made, authorize the individual concerned to resign.

7. When the Director directs separation, the individual concerned will be advised of his right to appeal to the Civil Service Commission's Loyalty Review Board within twenty (20) days.

8. a. Files and deliberations of the Board shall be kept confidential, and all records, documents, and evidence not the property of the employee shall be forwarded to the Executive for Inspection and Security for disposition.

b. If the determination of the Board is favorable to the employee, the Executive for Inspection and Security shall retain the entire file with the security files on the individual concerned.

c. If the individual is permitted to resign after unfavorable determination, as provided for in paragraph 6, the file should be forwarded to the Civil Service Commission with notice of the resignation.

d. If the case is referred or appealed to the Loyalty Review Board of the Civil Service Commission, the file shall be forwarded to that Board in triplicate, unless the Board agrees that a single copy is adequate.

8. If the employee is dismissed without reference or appeal, notice of dismissal and the file will be sent to the Civil Service Commission.
9. With the concurrence of the Executive Secretary of the National Security Council, this Board will also act on any loyalty cases which may arise among personnel of his office. In such cases he will take the action prescribed herein for the Director of Central Intelligence.

10. These instructions do not rescind or supersede in any way the provisions of Administrative Instruction

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